

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff,* §  
§  
v. § CASE NO. 5:20-CV-045  
§  
17.580 ACRES OF LAND, MORE OR §  
LESS, SITUATE IN WEBB COUNTY, §  
STATE OF TEXAS; AND HORACIO §  
ACEVEDO, JR., ET AL., §  
§  
*Defendants.* §

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: s/ John A. Smith, III  
**JOHN A. SMITH, III**  
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# **SCHEDULE A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# SCHEDULE C

**SCHEDULE C**

**LEGAL DESCRIPTION**

Webb County, Texas

Tract: LRT-LRS-1058

Owner: Horacio Acevedo, Jr., *et al.*

Acres: 175.80

Parcel: 208063

132.50 acres of land out of Porcion No. 44, Dolores Garcia, Original Grantee, in Webb County, Texas, described by metes and bounds as follows:

BEGINNING at a point on the left bank of the Rio Grande River that bears S. 2-19 W. 125.1 varas from the S. W. corner of the McMahon tract Porcion 43 for S. W. corner of The Laredo National Bank (San Juan Tract) and N. W. corner hereof.

THENCE N. 89-30 E. along the South line of said San Juan tract at 1,974.2 varas a point on the West line of state Highway No. 4 U.S. 81, the S. E. corner of said San Juan tract and N. E. corner hereof.

THENCE S. 11-51 E. along West line of said Highway at 384.5 varas the N. E. corner of the Lachica tract for S. E. corner hereof.

THENCE 89-47 W. along fence north line of said LaChica tract at 1,547.0 varas a corner hereof.

THENCE N. 88-43 W. along fence at 520.7 varas a point on the left bank of the river the N. W. corner of the LaChica tract for S. W. corner hereof.

THENCE up the river with its meanders to the place of beginning and containing 132.50 acres of land.

**SCHEDULE C (continued)**

Tract: LRT-LRS-1058

Owner: Horacio Acevedo, Jr., *et al.*

Acres: 175.80

Parcel: 208064

43.30 acres of land out of Portion No. 44, Dolores Garcia, Original Grantee, in Webb County, Texas, described by metes and bounds as follows:

BEGINNING at a point on the left bank of the Rio Grande River, said point being the S. W. corner of the McMahon tract, Porcion 43 and N. W. corner hereof.

THENCE N. 89-30 E. along old fence S. line of the McMahon tract at 1,943.0 varas a point on the West line of state Highway No.4 U. S. 81 for N. E. corner hereof.

THENCE S. 11-51 E. along fence west line of said Highway at 127.5 varas the N. E. corner of The Laredo National Bank, et al., tract for S. E. Corner hereof.

THENCE S. 89-30 W. along north line of said Bank tract at 1,974.2 varas its N. W. corner on the left bank of the Rio Grande River for S. W. corner hereof.

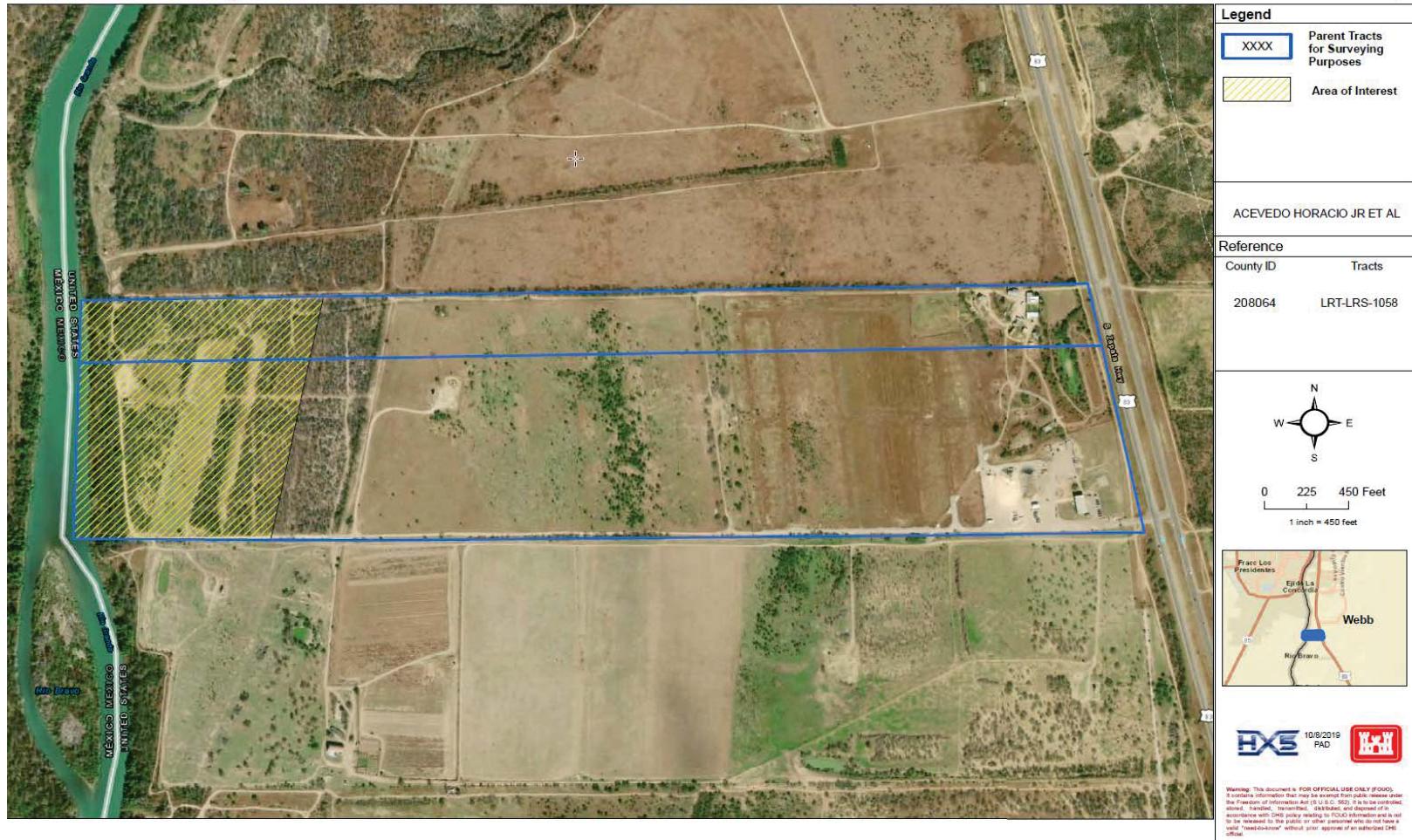
THENCE up the river with its meanders to the place of beginning and containing 43.30 acres of land.

# **SCHEDULE D**

**SCHEDULE D**  
**MAP or PLAT**

Border Infrastructure Project - LRT-LRS-1000s

Webb County



**LAND TO BE CONDEMNED**

Tract: LRT-LRS-1058

Owner: Horacio Acevedo, Jr., *et al.*

Acreage: 175.80

\* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed area of interest shown in yellow on the map above.

# **SCHEDULE E**

**SCHEDULE E**

**ESTATE TAKEN**

Webb County, Texas

Tract: LRT-LRS-1058

Owner: Horacio Acevedo, Jr., *et al.*

Acres: 175.80

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

# **SCHEDULE**

# **F**

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

# **SCHEDULE**

# **G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>Horacio Acevedo, Jr.</b> [REDACTED] Laredo, TX [REDACTED]	Gift Deed Document # 1166548; Recorded April 19, 2013, Deed Records of Webb County
<b>Cynthia A. Dovalina</b> [REDACTED] San Antonio, [REDACTED]	Gift Deed Document # 1166548; Recorded April 19, 2013, Deed Records of Webb County
<b>Lilia A. Gates</b> [REDACTED] San Antonio, TX [REDACTED]	Gift Deed Document # 1166548; Recorded April 19, 2013, Deed Records of Webb County
<b>Sandra A. Herzik</b> [REDACTED] San Antonio, TX [REDACTED]	Gift Deed Document # 1166548; Recorded April 19, 2013, Deed Records of Webb County
<b>Javier Acevedo</b> San Juan Ranch [REDACTED] Laredo, TX [REDACTED]	Gift Deed Document # 1166548; Recorded April 19, 2013, Deed Records of Webb County
<b>David Acevedo</b> [REDACTED] Laredo, TX [REDACTED]	Gift Deed Document # 1166548; Recorded April 19, 2013, Deed Records of Webb County
<b>Angelique Marie Acevedo-Barron</b> [REDACTED] Lakewood, CO [REDACTED]	Special Warranty Deed Document # 891170; Recorded September 6, 2005, Deed Records of Webb County
<b>Hugo D. Acevedo</b> [REDACTED] Los Alamitos, CA [REDACTED]	Special Warranty Deed Document # 999667; Recorded April 7, 2008, Deed Records of Webb County

<p><b>Consuelo Acevedo</b> [REDACTED] Los Alamitos, C [REDACTED]</p> <p><b>Wells Fargo Bank, NA, Trustee of the Acevedo Children's GST Exempt Trust</b> P.O. Box 900 Corpus Christi, TX 78403</p>	<p>Special Warranty Deed Document # 999667; Recorded April 7, 2008, Deed Records of Webb County</p> <p>Special Warranty Deed Document # 891170; Recorded September 6, 2005, Deed Records of Webb County</p> <p>Special Warranty Deed Document # 999667; Recorded April 7, 2008, Deed Records of Webb County</p>
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**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (*SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.*)

<b>I. (a) PLAINTIFFS</b>		<b>DEFENDANTS</b>																																						
<b>(b)</b> County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.																																						
<b>(c)</b> Attorneys ( <i>Firm Name, Address, and Telephone Number</i> )		Attorneys ( <i>If Known</i> )																																						
<b>II. BASIS OF JURISDICTION</b> ( <i>Place an "X" in One Box Only</i> )		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> ( <i>Place an "X" in One Box for Plaintiff and One Box for Defendant</i> )																																						
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<b>V. ORIGIN</b> ( <i>Place an "X" in One Box Only</i> )																																								
<input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation - Transfer <input type="checkbox"/> 8 Multidistrict Litigation - Direct File																																								
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing ( <i>Do not cite jurisdictional statutes unless diversity</i> ):  Brief description of cause:																																						
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint:  <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No																																				
<b>VIII. RELATED CASE(S) IF ANY</b>		<i>(See instructions):</i> JUDGE _____ DOCKET NUMBER _____																																						
DATE	SIGNATURE OF ATTORNEY OF RECORD																																							
<b>FOR OFFICE USE ONLY</b>																																								
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